

Council Communication
November 23, 2009 City Council Meeting

Department: Finance	Ordinance No. Resolution No. <u>09-350</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A
Subject/Title		
Approving the Certification of Debt and directing the filing of the certification report with the County for the Marketplace Urban Renewal Area.		
Background/Discussion		
<u>Background</u> According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.		
<u>Discussion</u> The Marketplace Urban Renewal Areas was established by Resolution 07-183 on April 23, 2007 and the TIF district was established by Ordinance 5941 on May 21, 2007. A development agreement was signed with Marketplace Development, LLC on June 18, 2007 providing for a 60% grant of the total tax increment attributable to the Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The total of all grant payment shall not exceed \$5,500,000 and requires an annual appropriation of funds. This action does require Council approval and a resolution has been prepared.		
Recommendation		
Council approval of the resolution authorizing Certification of Debt and directing the filing of Certification to the County Auditor for the Marketplace Urban Renewal Area.		

Department Head Signature

Mayor Signature

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR**

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Marketplace

Urban Renewal Area Number: _____ (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which will qualify for payment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 423,671

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax revenue in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the special TIF fund of City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax revenue by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax revenue is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax revenue received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax revenue received from the County Treasurer.)

Notes/Additional Information:

Dated this _____ day of _____, _____

Signature of Authorized Official

712-328-4605
Telephone

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of Council Bluffs, Iowa.
Date of Meeting: November 23, 2009.
Time of Meeting: 7 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
 Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Resolution Approving the Debt Certification Forms and Directing Filing of the Certifications for Marketplace Urban Renewal Area.

Such additional matters as are set forth on the additional 7 page(s) attached hereto.

(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Marcia L. Worden,

City Clerk

November 23, 2009

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING THE DEBT CERTIFICATION FORMS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE MARKETPLACE URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION APPROVING THE DEBT
CERTIFICATION FORMS AND DIRECTING FILING OF
THE CERTIFICATIONS TO THE COUNTY AUDITOR
FOR THE MARKETPLACE URBAN RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2009.

PASSED AND APPROVED, this 23rd day of November, 2009.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

CERTIFICATE

STATE OF IOWA

)
) SS

COUNTIES OF POTTAWATTIANE)

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this 24th day of November, 2009.

Marcia L. Worden,

City Clerk

SEAL

Council Communication

Department: Finance Director: Art Hill	Ordinance No.: N/A Resolution No.: <u>09 -351</u>	Council Action: <u>11/9/09</u>
Subject/Title		
Wastewater Treatment Plant “Green Project” grant application.		
Background/Discussion		
<u>Background</u> The City of Council Bluffs prepared and submitted a grant application to the Iowa Finance Authority regarding costs associated with the Wastewater Treatment Plant.		
<u>Discussion</u> The grant application has tentatively been approved subject to authorization of the City Council in the amount of \$463,681. Of this amount 20% will be in the form of a forgivable loan and 80% would become an obligation of the City, bearing an interest rate of 3% through the State of Iowa Revolving Fund. This grant is part of a series of improvements planned for the Wastewater Treatment Plant, estimated to cost as much as \$6,568,000. On May 11, 2009 the City Council held a Public Hearing and approval was given for up to \$5,500,000 for improvements to the plant. In view of the added improvements and addition to the scope of the project; staff requests the City Council to set a Public Hearing for November 23, 2009 to discuss increasing the amount of authorized borrowing to \$6,586,000.		
Staff Recommendation		
The Finance Director recommends approval of Resolution.		

Art Hill, Finance Director

Thomas P. Hanafan, Mayor

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of Council Bluffs, Iowa.
Date of Meeting: November 23, 2009.
Time of Meeting: _____ o'clock ____ .M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

Not to Exceed \$1,100,000 Sewer Revenue Capital Loan Notes.

- Public hearing on the authorization of a Loan and Disbursement Agreement and the issuance of Notes to evidence the obligation of the City thereunder.
- Resolution instituting proceedings to take additional action.

Such additional matters as are set forth on the additional _____ page(s) attached hereto. (number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

City Clerk, Council Bluffs, Iowa

November 23, 2009

The City Council of Council Bluffs, Iowa, met in _____ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ o'clock _____ M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

* * * * *

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan and Disbursement Agreement by and between the City, the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed \$1,100,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, in order to provide funds to pay costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer Utility, and that notice of the proposed action by the Council to institute proceedings for the authorization of the Loan and Disbursement Agreement and the issuance of the Notes had been published pursuant to the provisions of Sections 384.24A and 384.83 of the Code of Iowa, as amended.

The Mayor then asked the City Clerk whether any written objections had been filed by any City resident or property owner to the proposal. The City Clerk advised the Mayor and the Council that _____ written objections had been filed. The Mayor then called for oral objections to the proposal and _____ were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections
received or made, if any)

The Council then considered the proposed action and the extent of objections thereto.

Whereupon, Council Member _____ introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$1,100,000 SEWER REVENUE CAPITAL LOAN NOTES", and moved:



that the Resolution be adopted.



to ADJOURN and defer action on the Resolution and the proposal to institute proceedings to the meeting to be held at _____ o'clock _____ M. on the _____ day of _____, 2009, at this place.

Council Member _____ seconded the motion. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE
ADDITIONAL ACTION FOR THE AUTHORIZATION OF
A LOAN AND DISBURSEMENT AGREEMENT AND
THE ISSUANCE OF NOT TO EXCEED \$1,100,000
SEWER REVENUE CAPITAL LOAN NOTES

WHEREAS, pursuant to notice published as required by law, this Council has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan and Disbursement Agreement by and between the City, the Iowa Finance Authority, the Iowa Department of Natural Resources and Wells Fargo Bank, N.A. and the issuance to the Iowa Finance Authority of not to exceed \$1,100,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, for the purpose of paying costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer Utility, and has considered the extent of objections received from residents or property owners as to said proposal and, accordingly the following action is now considered to be in the best interests of the City and residents thereof:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That this Council does hereby institute proceedings and takes additional action for the authorization of a Loan and Disbursement Agreement by and between the City, the Iowa Finance Authority, the Iowa Department of Natural Resources and Wells Fargo Bank, N.A. and the issuance to the Iowa Finance Authority in the manner required by law of not to exceed \$1,100,000 Sewer Revenue Capital Loan Notes for the foregoing purpose.

Section 2. That this Council does hereby consent to the terms and conditions of the SRF Loan Program, which terms and conditions and the disclosures provided with respect thereto are hereby acknowledged, accepted and approved.

Section 3. That the City Clerk, with the assistance of the City Attorney and bond counsel, is hereby authorized and directed to proceed with the preparation of such documents and proceedings as shall be necessary to authorize the City's participation in the SRF Loan Program, to select a suitable date for final Council authorization of the required Loan and Disbursement Agreement and issuance of the Note to evidence the City's obligations thereunder, and to take such other actions as the Clerk shall deem necessary to permit the completion of a loan on a basis favorable to the City and acceptable to this Council.

Section 4. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above loan agreement. The amounts so advanced shall be reimbursed from the proceeds of the Loan Agreement

not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the loan amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 23rd day of November, 2009.

Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the City Council, and the same is a true and complete copy of the action taken by said City Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the City Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the City Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the City Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective offices as indicated therein, that no City Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this
day of _____, 2009.

City Clerk, Council Bluffs, Iowa

SEAL

Council Communication

Department: Finance Director: Art Hill	Ordinance No.: N/A Resolution No.: <u>09 -352</u>	Council Action: <u>11/9/09</u>
Subject/Title East Manawa Sewer Phase II “Green Project” grant application.		
Background/Discussion <u>Background</u> The City of Council Bluffs prepared and submitted a grant application to the Iowa Finance Authority regarding costs associated with the East Manawa Sewer Phase II Project. <u>Discussion</u> The grant application has tentatively been approved subject to authorization of the City Council in the amount of \$1,073,520. Of this amount 20% would be in the form of a forgivable loan and 80% would become an obligation of the City, bearing an interest rate of 3% through the State of Iowa Revolving Fund.		
Staff Recommendation The Finance Director recommends approval of Resolution.		

Art Hill, Finance Director

Thomas P. Hanafan, Mayor

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of Council Bluffs, Iowa.

Date of Meeting: November 23, 2009.

Time of Meeting: _____ o'clock _____.M.

Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

Not to Exceed \$1,800,000 Sewer Revenue Capital Loan Notes.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

City Clerk, Council Bluffs, Iowa

November 23, 2009

The City Council of Council Bluffs, Iowa, met in _____ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ o'clock _____.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

* * * * *

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed \$1,800,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, in order to provide funds to pay costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System, and that notice of the proposed action by the Council to institute proceedings for the authorization of the Loan and Disbursement Agreement and the issuance of the Notes had been published pursuant to the provisions of Sections 384.24A and 384.82 of the City Code of Iowa, as amended.

The Mayor then asked the City Clerk whether any written objections had been filed by any City resident or property owner to the proposal. The City Clerk advised the Mayor and the Council that _____ written objections had been filed. The Mayor then called for oral objections to the proposal and _____ were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections
received or made, if any)

The Council then considered the proposed action and the extent of objections thereto.

Whereupon, Council Member _____ introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$1,800,000 SEWER REVENUE CAPITAL LOAN NOTES", and moved:

☐ that the Resolution be adopted.

☐ to ADJOURN and defer action on the Resolution and the proposal to institute proceedings to the meeting to be held at _____ o'clock _____ M. on the _____ day of _____, 2009, at this place.

Council Member _____ seconded the motion. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE
ADDITIONAL ACTION FOR THE AUTHORIZATION OF
A LOAN AND DISBURSEMENT AGREEMENT AND
THE ISSUANCE OF NOT TO EXCEED \$1,800,000
SEWER REVENUE CAPITAL LOAN NOTES

WHEREAS, pursuant to notice published as required by law, this Council has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed \$1,800,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, for the purpose of paying costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System, and has considered the extent of objections received from residents or property owners as to said proposal and, accordingly the following action is now considered to be in the best interests of the City and residents thereof:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That this Council does hereby institute proceedings and takes additional action for the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority in the manner required by law of not to exceed \$1,800,000 Sewer Revenue Capital Loan Notes for the foregoing purpose.

Section 2. That this Council does hereby consent to the terms and conditions of the SRF Loan Program, which terms and conditions and the disclosures provided with respect thereto are hereby acknowledged, accepted and approved.

Section 3. That the City Clerk, with the assistance of the City Attorney and bond counsel, is hereby authorized and directed to proceed with the preparation of such documents and proceedings as shall be necessary to authorize the City's participation in the SRF Loan Program, to select a suitable date for final Council authorization of the required Loan and Disbursement Agreement and issuance of the Note to evidence the City's obligations thereunder, and to take such other actions as the Clerk shall deem necessary to permit the completion of a loan on a basis favorable to the City and acceptable to this Council.

Section 4. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above loan agreement. The amounts so advanced shall be reimbursed from the proceeds of the Loan Agreement not later than eighteen months after the initial payment of the capital expenditures or

eighteen months after the property is placed in service. Such advancements shall not exceed the loan amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 23rd day of November, 2009.

Mayor

ATTEST:

City Clerk

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

WITNESS my hand and the seal of said Municipality hereto affixed this
day of _____, 2009.

City Clerk, Council Bluffs, Iowa

SEAL

Council Communication
November 23, 2009 City Council Meeting

Department: Finance	Ordinance No.	First Reading: N/A
Case/Project No.: N/A	Resolution No. <u>09-355</u>	Second Reading: N/A
		Third Reading: N/A
Subject/Title		
Authorizations for the annual grant appropriation, Certification of Debt, and directing the filing of the certification report with the County for the Original 1983 Mall Urban Renewal Area.		
Background/Discussion		
<u>Background</u>		
According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.		
<u>Discussion</u>		
The Original 1983 Urban Renewal Areas was established by Resolution on October 23, 1973 and the TIF district was established by Ordinance 4056 on April 1, 1974.		
1892 Apartments LLC		
A development agreement was signed with 1892 Apartments LLC on June 28, 2004 providing a \$175,000 grant of the total tax increment attributable to the Property at 6.5% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The indebtedness at the time the agreement was signed was estimated to be \$240,000.		
405 West Broadway LLC		
A development agreement was signed with 405 West Broadway LLC on February 13, 2001 providing a \$243,000 grant of the total tax increment attributable to the Property at 8.5% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The indebtedness at the time the agreement was signed was estimated to be \$434,135.		
117 Pearl Street LLC(Nonpariel)		
A private redevelopment agreement was signed with 117 Pearl Street LLC on June 11, 2007 providing a 80% grant of the total tax increment attributable to the Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The indebtedness at the time the agreement was signed was estimated to be \$429,315.		
Porter Homes, Inc. (128 West Broadway)		
A private redevelopment agreement was signed with Porter Homes, Inc on November 19, 2007 providing a \$50,000 grant of the total tax increment attributable to the Property paid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The indebtedness at the time the agreement was signed was to be \$50,000.		
John and Margaret LaBounty (109 Pearl Street)		

A private redevelopment agreement was signed with John and Margaret LaBounty on October 8, 2007 providing a \$40,000 grant of the total tax increment attributable to the Property paid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The indebtedness at the time the agreement was signed was to be \$40,000.

The indebtedness at the time the agreements were signed is estimated to be \$1,193,450.

This action does require Council approval and a resolution has been prepared.

Recommendation

Council approval of the resolution authorizing grant appropriation, Certification of Debt, and directing the filing of the Certification to the County Auditor for the Original 1983 Mall Urban Renewal Area.

Department Head Signature

Mayor Signature

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR**

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Original 1983 Mall

Urban Renewal Area Number: 78001 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which will qualify for payment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 41,143

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax revenue in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the special TIF fund of City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax revenue by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax revenue is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax revenue received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax revenue received from the County Treasurer.)

Notes/Additional Information:

Dated this _____ day of _____, _____

Signature of Authorized Official

712-328-4605
Telephone

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEARCity: Council Bluffs County: PottawattamieUrban Renewal Area Name: Original 1983 MallUrban Renewal Area Number: 78001 (Use five-digit Area Number Assigned by the County Auditor)

Individual TIF Indebtedness Type/Description/Details:	Date Approved*:	Total Amount:
1. July 1, 2009 projected net balance of previously certified amount.	07-01-09	
There are three previously certified rebate agreements in this URA.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
2. 117 Pearl Street (Nonpariel)	11-23-2009	41,143
This is an annual appropriation of 80% of tax increment attributable to the property at 0% interest.		
Parcel #754436203008		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
3.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
4.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
5.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 41,143

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Original 1983 Mall

Urban Renewal Area Number: 78001 (Use five-digit Area Number Assigned by the County Auditor)

Provide sufficient detail so that the County Auditor will know how to specifically administer your request. For example you may have multiple indebtedness certifications in an Urban Renewal Area, and want the maximum revenue for rebate agreement property that the County has segregated into separate taxing districts, but only want a portion of the available increment from the remainder of the taxing districts in the Area.

[illegible]

Dated this day of ,

Signature of Authorized Official

712-328-4605
Telephone

712-328-4605
Telephone

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of Council Bluffs, Iowa.
Date of Meeting: November 23, 2009.
Time of Meeting: 7 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
 Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Resolution Approving Debt Certification Forms, Appropriating Funds and Directing Filing of the Certifications for Original 1983 Urban Renewal Area.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Marcia L. Worden, City Clerk

November 23, 2009

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE ORIGINAL 1983 URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

09-355

RESOLUTION APPROVING DEBT CERTIFICATION
FORMS, APPROPRIATING FUNDS AND DIRECTING
FILING OF THE CERTIFICATIONS TO THE COUNTY
AUDITOR FOR THE ORIGINAL 1983 URBAN
RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds listed therein, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2009.

PASSED AND APPROVED, this 23rd day of November, 2009.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

STATE OF IOWA)
) SS
COUNTIES OF POTTAWATTIANE)

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of _____, 2009.

Marcia L. Worden, City Clerk

-4-

Council Communication
November 23, 2009 City Council Meeting

Department: Finance	Ordinance No.	First Reading
Case/Project No.	Resolution No. <u>09-356</u>	Second Reading
Third Reading		
Subject/Title		
Authorizations for the annual grant appropriation, Certification of Debt, and directing the filing certification report with the County for the Bart's Motel Urban Renewal Area.		
Background/Discussion		
<p><u>Background</u></p> <p>According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.</p> <p>Discussion</p> <p>The Bart's Motel Urban Renewal Areas was established by Resolution 03-08 on January 13, 2003 and the TIF district was established by Ordinance 5757 on March 10, 2003. A development agreement was signed with ChapelRidge of Council Bluffs on February 26, 2003 providing for a 60% grant of the total tax increment attributable to the Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities.</p> <p>The indebtedness at the time the agreement was signed was estimated to be \$1,109,000.</p> <p>Based on 2008 taxable values, the grant payment to the Developer in FY2010/2011 would be \$130,000. This action does require Council approval and a resolution has been prepared.</p>		
Recommendation		
Council approval of the resolution authorizing grant appropriation, Certification of Debt, and directing the filing of Certification to the County Auditor for the Bart's Motel Urban Renewal Area.		

Department Head Signature

Mayor Signature

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Barts Motel

Urban Renewal Area Number: 78038 (Use five-digit Area Number Assigned by the County Auditor)

Provide sufficient detail so that the County Auditor will know how to specifically administer your request. For example you may have multiple indebtedness certifications in an Urban Renewal Area, and want the maximum revenue for rebate agreement property that the County has segregated into separate taxing districts, but only want a portion of the available increment from the remainder of the taxing districts in the Area.

Dated this day of ,

712-328-4605
Telephone

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of Council Bluffs, Iowa.
Date of Meeting: November 23, 2009.
Time of Meeting: _____ o'clock __.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
 Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Resolution Approving Debt Certification Forms, Appropriating Funds and Directing Filing of Certifications for Barts Motel Urban Renewal Area.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Marcia L. Worden, City Clerk

November 23, 2009

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE BARTS MOTEL URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

Resolution 09-356

RESOLUTION APPROVING DEBT CERTIFICATION
FORMS, APPROPRIATING FUNDS AND DIRECTING
FILING OF CERTIFICATIONS TO THE COUNTY
AUDITOR FOR THE BARTS MOTEL URBAN RENEWAL
AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2009.

PASSED AND APPROVED, this 23rd day of November, 2009.

Mayor

ATTEST:

City Clerk

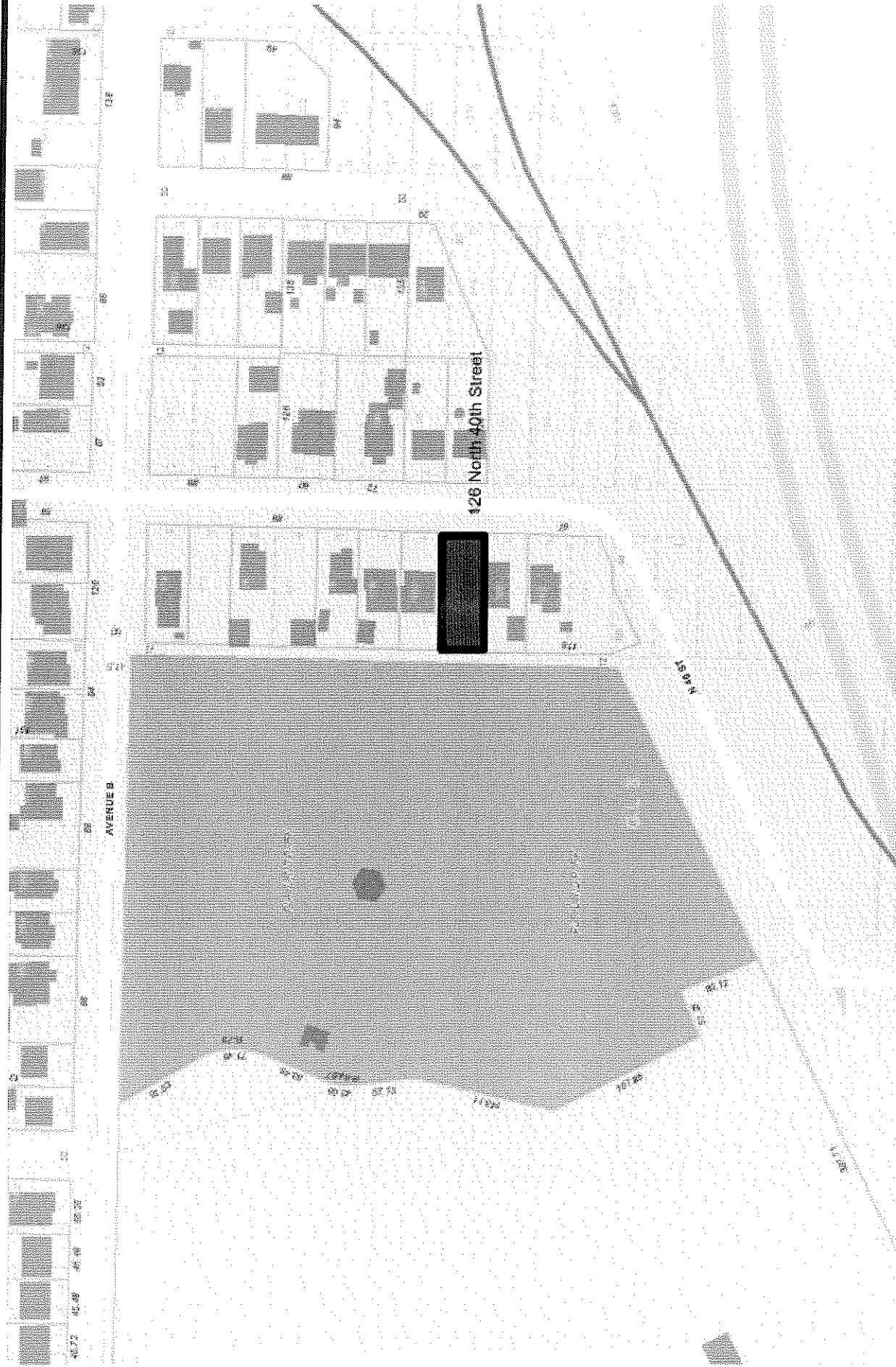
-4-

Council Communication
November 23, 2009 City Council Meeting

Department: Community Development	Ordinance No.: N/A Resolution No.: <u>09-341</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Case/Project No.: N/A		
Subject/Title		
Acquisition of property at 126 North 40 th Street as part of the Playland Park Urban Renewal Project.		
Background/Discussion		
<p>Property located at 126 North 40th Street has been recently listed for sale. This property is located immediately east of the Playland Park Redevelopment Project. Staff believes the property should be acquired and added to existing City owned properties to the west.</p> <p>A purchase agreement has been negotiated and executed for the acquisition of the property pending City Council approval. The purchase price of the property is \$62,000. Although no appraisal has been completed on the property, the Pottawattamie County Assessor values the property at \$65,880. Playland Park Redevelopment Project account funds will be used to cover the cost of acquisition and demolition.</p>		
Staff Recommendation		
Approval of the resolution authorizing acquisition of the property at 126 North 40 th Street.		
Attachments		
Resolution and Map		

Submitted by: Donald D. Gross, Director, Community Development Department

Approved by: Donald D. Gross, Director, Community Development Department



126 North 40th Street

Users of the Potomac County GIS parcel mapping application agree that he or she will at all times indemnify and hold Potomac County harmless from all claims, damages, losses, and expenses, including reasonable attorneys' fees, incurred by Potomac County in connection with the use of the application. This agreement shall survive the termination or expiration of the application. Potomac County makes no claim as to the accuracy of the spatial data and the associated data tables and assumes no responsibility for their use. Potomac County makes no claim as to the accuracy of the spatial data and the associated data tables and assumes no responsibility for their use. Potomac County makes no claim as to the accuracy of the spatial data and the associated data tables and assumes no responsibility for their use. Potomac County makes no claim as to the accuracy of the spatial data and the associated data tables and assumes no responsibility for their use.



Scale 1:1688
11/11/2009 11:23:33 AM
<http://gis.potomacny.com>

RESOLUTION NO. 09-341

**A RESOLUTION AUTHORIZING THE ACQUISITION OF 126 NORTH 40th STREET
AS PART OF THE PLAYLAND PARK REDEVELOPMENT PROJECT.**

- WHEREAS,** a single family property located at 126 North 40th Street has recently been listed for sale; and
- WHEREAS** said property is located adjacent to the Playland Park Redevelopment Project; and
- WHEREAS** the property can be acquired voluntarily; and
- WHEREAS** sufficient funds are available in the Playland Park Redevelopment Project account to acquire and demolish the property; and
- WHEREAS,** a real estate offer has been executed subject to City Council approval in the amount of \$62,000.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

That the acquisition of 126 North 40th Street is hereby approved as part of the Playland Park Redevelopment Project.

ADOPTED
AND
APPROVED:

November 23, 2009

Thomas P. Hanafan

Mayor

ATTEST:

Marcia L. Worden,

City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading November 23, 2009

Case/Project No.: FY10-06A

Resolution No. 09-342

Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution accepting the bid of Graham Construction, Inc. in the amount of \$1,009,497.50 for the 29th Avenue Outfall Relocation for I-80/I-29 Reconstruction Segment 2.

Project # FY10-06A.

BACKGROUND/DISCUSSION

- On November 10, 2009, bids were received in the office of the City Clerk as followed:

	<u>Division I</u> <u>General</u>	<u>Division IV</u> <u>Sanitary Sewer</u>	<u>Total</u>
Graham Construction, Inc.	\$347,979.00	\$661,518.50	\$1,009,497.50
MFT Construction, Inc.	\$393,000.00	\$634,563.11	\$1,027,563.11
Valley Corporation	\$401,208.00	\$633,628.00	\$1,034,836.00
Leazenby Construction, Inc.	\$451,910.40	\$632,201.28	\$1,084,111.68
L. G. Roloff Construction	\$426,731.10	\$671,692.75	\$1,098,423.85
Judds Brothers Construction	\$441,115.00	\$849,355.00	\$1,290,470.00
Engineer's Opinion	\$496,060.00	\$734,700.00	\$1,230,760.00

- The Iowa DOT is reconstructing I-80/I-29 through Council Bluffs. The new interstate location conflicts with the 29th Avenue outfall sewer. The Iowa DOT has instructed the city to relocate this sewer by July 2010.
- The relocation involves moving the sewer alignment out of the interstate work zone prior to interstate construction.
- IDOT agreement addressing reimbursement has been approved by council.
- Project schedule is set public hearing, September 28, 2009; hold public hearing, October 12, 2009; letting, November 10, 2009; award, November 23, 2009; construction beginning, December, 2009; completion, July 1, 2010.
- This is project FY10-06A and award is \$1.0 Million. It is anticipated that IDOT will reimburse 97%. Therefore, the City's share will be \$30,000 and be funded with Sales Tax.

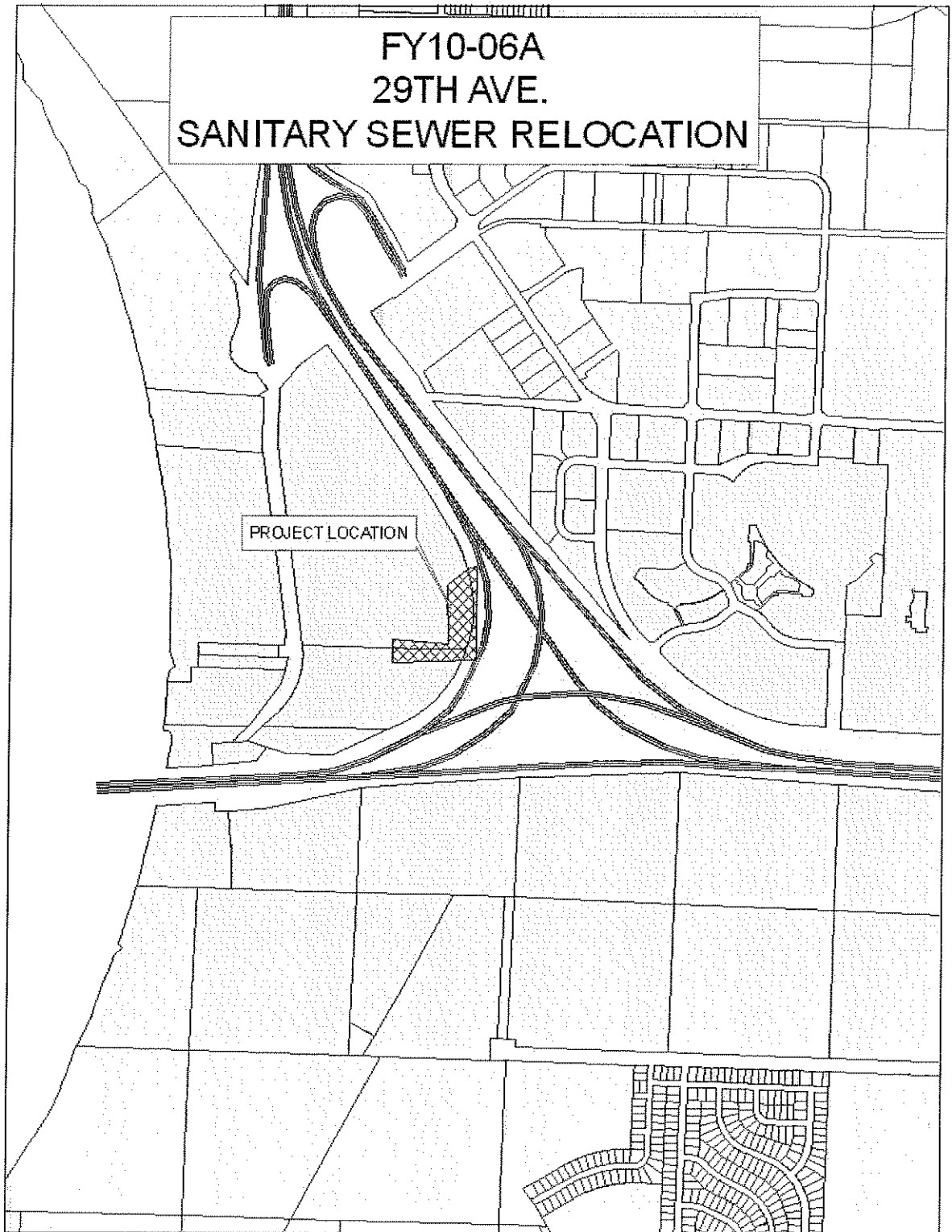
RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

FY10-06A
29TH AVE.
SANITARY SEWER RELOCATION

PROJECT LOCATION



**RESOLUTION
NO 09-342**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
GRAHAM CONSTRUCTION, INC. FOR THE
29TH AVENUE OUTFALL RELOCATION FOR I-80/I-29
RECONSTRUCTION SEGMENT 2
FY10-06A**

WHEREAS, the plans, specifications, and form of contract for the 29th Avenue Outfall Relocation for I-80/I-29 Reconstruction, Segment 2 are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on October 12, 2009, and the plans, specifications and form of contract were approved; and

WHEREAS, Graham Construction, Inc. has submitted a low bid in the amount of \$1,009,497.50 for this contract.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the bid of Graham Construction, Inc. in the amount of \$1,009,497.50 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the 29th Avenue Outfall Relocation for I-80/I-29 Reconstruction, Segment 2; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Graham Construction, Inc. for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

ADOPTED
AND
APPROVED

November 23, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading November 23, 2009
Case/Project No.: FY09-06A Resolution No. _____
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution accepting the bid of Brown Traffic Products in the amount of \$86,730 for the Traffic Signal Equipment: 21 Battery Back-up Systems and 336 12" Yellow LED Modules. Project #FY09-06A.

BACKGROUND/DISCUSSION

- The Public Works Traffic Division is conducting various traffic signal updates. One of these projects is the purchase of 336 yellow LED lights for traffic signal heads and battery back-up systems for 21 traffic signals.
- Battery Back-up Systems (BBS) provide power to run traffic signals for at least two hours during an electric power interruption. When power is interrupted at traffic signals without a BBS, Public Works employees must be called out to set up STOP signs to control the intersection. There is often a delay in setting up STOP signs, especially during widespread power outages. This delay, and the inability of STOP signs to effectively control complex intersections, could pose a liability to the city.
- This proposal is to install BBS's at 21 intersections along the arterials of West Broadway (5), Kanesville (7), South Expressway (2), 23rd Avenue (4), and Nebraska Avenue (3).
- Traffic signals must use all LED displays to fully utilize BBS's. All of the red green displays are already LED's. This plan would also replace the yellow displays with LED's at each intersection (average 16 displays per intersection).
- Equipment will be installed by Traffic Division personnel.
- The City purchasing department received bids for traffic signal equipment as follows:

<u>Bidder</u>	<u>Battery Back-up Systems (21)</u>	<u>12" Yellow LED Modules (336)</u>	<u>Total</u>
Brown Traffic Products	\$ 68,250.00	\$18,480.00	\$ 86,730.00
Traffic Control Corp.	\$ 73,500.00	\$21,252.00	\$ 94,752.00
Mid American Signal	\$111,279.00	\$23,671.00	\$134,950.00
Mid American Signal	\$ 98,679.00 (1)	\$23,671.00	\$122,350.00

Note (1) price reflects 2 yr. battery warranty. Specifications called for 4 year warranty.

- This is project FY09-06A in the CIP and is funded by local option sales tax.

RECOMMENDATION

Approval of this resolution.

**RESOLUTION
NO 09-343**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
BROWN TRAFFIC PRODUCTS FOR THE
TRAFFIC SIGNAL EQUIPMENT: 21 BATTERY BACK-UP SYSTEMS AND
336 12" YELLOW LED MODULES
FY09-06A**

WHEREAS, the City Purchasing Division has solicited bids for
Traffic Signal Equipment: 21 Battery Back-up Systems and
336 12" Yellow LED Modules; and

WHEREAS, Brown Traffic Products has submitted a low bid in the
amount of \$86,730.00 for this equipment.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the bid of Brown Traffic Products in the amount of \$86,730.00 is hereby accepted as the lowest and
best bid received for said equipment; and

BE IT FURTHER RESOLVED

That the City Council does hereby accept the bid in connection with the Traffic Signal Equipment: 21
Battery Back-up Systems and 336 12" Yellow LED Modules ; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement
with Brown Traffic Products for and on behalf of the City of Council Bluffs.

ADOPTED
AND
APPROVED

November 23, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

Council Communication
November 23, 2009 City Council Meeting

Department: Community Development	Ordinance No.: N/A Resolution No.: <u>09-344</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Case/Project No.: EZ-09-008		
Subject/Title		
Application for Enterprise Zone Benefits		
Applicant		
Western Iowa Land Development LLC		
Location		
Lots 1, 21, 22, 23 & 24 in Zaiger Addition (generally located along South 16 th Street between 25 th and 28 th Avenues)		
Background/Discussion		
<u>Background</u> In July and August of 2009 the Enterprise Zone Commission and City Council approved two separate Enterprise Zone applications for eight lots as submitted by Western Iowa Land Development, LLC (WILD). These lots were part of the Zaiger Addition, which is generally located at 25 th Avenue and South 16 th Street. Zaiger Addition is a 98 lot subdivision developed in 2006. WILD has again requested EZ benefits for five additional lots in this same subdivision. WILD has submitted three floor plans (all two stories) they will be utilizing for this project. The building plans are attached to the application showing the different floor plans being offered. The homes will have attached two car garages, three bedrooms and approximately 1,250 finished square feet. All units will be furnished with a range/oven, microwave and dishwasher. The total project investment is \$695,000. Each home will be valued at \$139,000. The estimated total financial enterprise zone incentive available to the project is \$85,500. The developer has agreed to comply with the adopted local requirements.		
<u>Discussion</u> The City Council established Enterprise Zone-6 with the adoption of Resolution No. 07-408. The State of Iowa made this possible by the approval of the Enterprise Zone Legislation on July 1, 1997 and the revision of the law during the 1998 legislature to include housing development. Later significant amendments came in 2006 with the adoption of new criteria for new zone designation. The stipulations placed upon eligible housing projects include the construction or rehabilitation of four or more single family houses or one or more multi-family units containing three or more units. Based on review of the applicant's request, the project discussed above meets the requirements and is located in the Council Bluffs Enterprise Zone-6. As a result, the applicant is eligible for the following benefits: 10% investment tax credit and 100% rebate of state sales and utility use taxes.		
Staff Recommendation		
The Community Development Department recommends approval of the application submitted by Western Iowa Land Development, LLC for Lots 1, 21, 22, 23 & 24 in Zaiger Addition for Enterprise Zone benefits.		

Council Communication
November 23, 2009 City Council Meeting

Enterprise Zone Commission Recommendation	
On November 9, 2009, the Council Bluffs Enterprise Zone Commission met and approved the Enterprise Zone application for Western Iowa Land Development, LLC. Motion by Andersen, second by Jares to concur with staff recommendation and approve the EZ application for Western Iowa Land Development, LLC, as presented. The motion carried by unanimous voice vote.	
VOTE:	AYE – Andersen, Biede, Jares, Milford and Stazzoni; NAY – None; ABSTAIN – None; ABSENT – Bates, Hornbeck and Prichard
Attachments	
The Western Iowa Land Development, LLC Enterprise Zone application discussed above has been provided under separate cover.	

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

RESOLUTION NO. 09-344

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS
AUTHORIZING A JOINT APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC
DEVELOPMENT (IDED) BY THE COUNCIL BLUFFS ENTERPRISE ZONE COMMISSION
AND WESTERN IOWA LAND DEVELOPMENT, LLC FOR ENTERPRISE ZONE BENEFITS.**

WHEREAS, The City of Council Bluffs established Enterprise Zone-6 with the adoption of Resolution No. 07-408; and

WHEREAS, Enterprise Zones and the eligible benefits under House File 724 were established to promote economic and housing development in distressed areas; and

WHEREAS, Western Iowa Land Development, LLC proposes to construct five single-family units and has requested Enterprise Zone benefits; and

WHEREAS, All five of the homes will be located in Zaiger Addition, which is generally located at 25th Avenue and South 16th Street; and

WHEREAS, The legal description of the homes is Lots 1, 21, 22, 23 and 24, Zaiger Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, On November 9, 2009, the Enterprise Zone Commission held a public meeting to review the request of Western Iowa Land Development, LLC; and

WHEREAS, After review and consideration of the request, the Enterprise Zone Commission determined that the Western Iowa Land Development, LLC project meets the requirements to qualify for benefits.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

Section 1.0 The City Council finds that the Western Iowa Land Development, LLC project is located within the Council Bluffs Enterprise Zone-6 as approved with the adoption of Resolution No. 07-408.

Section 2.0 The City Council declares Western Iowa Land Development, LLC an eligible entity for Enterprise Zone benefits.

Section 3.0 The City Council approves the Western Iowa Land Development, LLC request for a 10% state investment tax credit and a 100% rebate of sales and utility use taxes subject to the entity entering into an agreement with the City. The tax credit, if not entirely used during the first year, can be carried over and applied against state tax liability for the next seven years or until depleted, whichever occurs first.

Section 4.0 The Mayor is hereby authorized to take such further actions as are deemed necessary in order to carry into effect the provisions of this resolution.

Section 5.0 The provisions of this resolution shall be governed by the laws of the State of Iowa.

Section 6.0 That all resolutions and parts thereof in conflict therewith are hereby repealed to the extent of such conflict.

Section 7.0 That the provisions of this resolution are hereby declared to be separable and if any section, phrase, or provision shall be any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases and provisions hereof.

Section 8.0 That the approval of any and all Enterprise Zone benefits is contingent upon Western Iowa Land Development, LLC meeting all other City codes and ordinances.

Section 9.0 That this resolution shall become effective immediately upon its passage and approval.

ADOPTED
AND
APPROVED:

November 23, 2009

Thomas P. Hanafan

Mayor

ATTEST:

Marcia L. Worden

City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, 2009, before me the undersigned, a Notary Public in and for said County and State, personally appeared Thomas P. Hanafan and Marcia L. Worden, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Marcia L. Worden, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State